

LEGAL SERVICES FOR PRISONERS WITH CHILDREN

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**Re: Comments to Petition for Rulemaking by Martha Wright, *et al.*, CC
Docket No. 96-128**

Legal Services for Prisoners with Children (LSPC) was founded in 1978, and was one of the first legal services organizations to address the civil legal needs of prisoners and their families. LSPC advocates on behalf of prisoners and their family members in a variety of ways including litigation, responding to requests for information, technical assistance, and the development of more advocates. LSPC recognizes that there are many barriers and obstacles for parents, husbands, wives, and other relatives to overcome in their efforts to maintain their relationships with their incarcerated loved ones. The cost of telephone calls is one of those obstacles.

The number of men and women in prisons and jails continues to rise. By June of 2005 there were approximately 2,186,230 adults incarcerated throughout the United States.¹ About two-thirds of that number were in state or federal prisons (1,438,701) and the remaining one-third (747,529) were confined in local jails.² In New York alone, some 92,769 men and women were in state prison, federal prison or jail.³

Many of these prisoners are also parents. The Women in Prison Project of the Correctional Association of New York, reports that as of January 2005, there were more than 66,000 children with a father or

¹ Paige M. Harrison and Allen J. Beck, Ph.D., *Prison and Jail Inmates at Midyear 2005*, Bureau of Justice Statistics Bulletin, U.S. Department of Justice, May 2006.

² *Id.*, at 1

³ *Id.*, at 9

mother in state prison in New York.⁴ Many of the children of incarcerated parents live with a grandparent or other relative during their parent's incarceration. This is especially true if the incarcerated parent is the child's mother.⁵

One of the biggest challenges for incarcerated parents is maintaining a relationship with their children. While it is true that the prison or jail environment may limit the activities that an incarcerated parent can perform, the prisoner-parent can still fill an important role as the mother or father. Ongoing contact between the parent and child, whether that contact is visits, phone calls or correspondence, can reduce the anxiety of separation and contributes to the probability of a successful reunification.⁶ However, because prisons tend to be located in remote areas, children and family members often have to travel a great distance in order to visit. This can be very difficult for older family members and grandparent caregivers who may have physical limitations that prevent them from traveling to the prison. Thus, many families must rely on phone calls to keep in contact with their loved one inside.

This affects not only incarcerated parents and their minor children, but wives and husbands, parents of adult children, aunts and uncles --- any family member who wishes to keep in contact with a prisoner. Unfortunately, the cost of accepting collect calls along with additional charges attached to phone calls originating from prison, are so prohibitive that families often must forego this link to one another. According to the Women in Prison Project, the cost of a collect call is "600% more than the market rates for the general public."⁷

Family members often contact LSPC because they are suddenly impacted by a system that they don't understand. They want information on how to stay in contact with their incarcerated loved one and often report that because of the distance involved in traveling to the prison for a visit, they must rely on phone calls or correspondence in order to maintain the contact

⁴ Women in Prison Project, Correctional Association of New York, "Imprisonment and Families Fact Sheet," March 2006, citing *Hub System: Profile of Inmate Population Under Custody on January 1, 2005*, State of New York Department of Correctional Services.

⁵ Women in Prison Project, Correctional Association of New York, "Imprisonment and Families Fact Sheet," March 2006, citing *Collateral Casualties: Children of Incarcerated Drug Offenders in New York*, Human Rights Watch (2002). More than 74% of incarcerated mothers report that their children live with a grandparent or other relative and 18% report that their children live in foster homes or agencies; the corresponding figure for incarcerated fathers is less than 1%.

⁶ Family Strengthening Policy Center, *Supporting Families with Incarcerated Parents*, Policy Brief No. 8, September 2005.

⁷ Women in Prison Project, Correctional Association of New York, *When 'Free' Means Losing Your Mother: The Collision of Child Welfare and the Incarceration of Women in New York State*, February 2006, at 39.

they desire. They are often shocked by the cost of accepting collect calls on a regular basis.

Because of LSPC's history in advocating for prisoners and their family members, there was little surprise when several relatives of women and men incarcerated in New York state prisons forwarded their personal stories to LSPC and shared the difficulties they've had with MCI (now Verizon) the company that has the contract to provide long distance phone calls from New York's state prisons. A total of 19 individual stories were received between September 28, 2006 and October 1, 2006: eight from parents of prisoners, one from an adult child of a prisoner, eight from spouses of prisoners and one from a relative who did not identify the relationship to the prisoner.

All of the personal stories touched on the following issues: 1) The cost of accepting collect calls; 2) Indifference on the part of MCI/Verizon customer representatives; 3) The effect of a parent's incarceration on the child; 4) The importance of ongoing contact with the incarcerated person.

As noted earlier, the Women in Prison Project estimates that the cost of collect call from a state prison is some 600% above the market rate for the general public. Families who have someone they love in jail or prison know that communicating by telephone will not be free, however, they are not prepared for the high rates they are subjected to by MCI/Verizon.

Families incur fees just to accept a call. As one family member reports, "The cost of the call is \$3.00 to just accept??? Why?? Is this just a cheap shot at people in need, who have no other choice?"⁸ Indeed, the families have no other choice because MCI/Verizon has contracted to provide the calls. Shayna, a single mother of a four-year-old reports, "To accept a call from him (her son's father) costs over \$7.00 and goes up depending on the length of the call . . . Some of these phone bills, just to stay in constant contact, are over \$500 a month . . . How can you fit that in your monthly budget?"⁹ Another person affected by this contract writes, "Like millions of loved ones all across the USA, I was forced to leave my lower-priced long-distance carrier IF I wanted to stay in touch with my incarcerated husband. FORCED to take MCI for ALL long distance calls."¹⁰

What this means for the families is high phone bills they may not be able to pay month after month, "I have a granddaughter who comes over on the weekend to talk to her father. I once paid a bill for one month in the

⁸ Personal account from Kelly Busso-Fisher received at LSPC on October 3, 2006.

⁹ Personal account from Shayna received at LSPC on September 28, 2006.

¹⁰ Personal account from Maiorana Yanasak received at LSPC on September 29, 2006, emphasis in original.

amount of \$666.00. I nearly passed out when I saw the bill.”¹¹ Families do pay the bills despite the cost. But if they fall behind in their payments, a “block” is put on their phone and they no longer can receive calls from the person in prison. Discontinuing telephone contact is not an option for most families especially those who cannot travel to the prison for an in-person visit.

In conclusion, the families of prisoners are struggling to maintain some normalcy in their lives. They have done nothing wrong and only want to keep the relationship they have with their spouse or parent or other relative. An ongoing connection with family is extremely important to these parents, children, wives, husbands, grandparents, and to the person who is incarcerated as well. The majority of prisoners will return to their communities. Their chance at successfully reuniting with their family and community will be greatly enhanced if they have been able to maintain close ties during their incarceration.

Legal Services for Prisoners with Children urges the Commission to adopt Petitioners’ Alternative Rulemaking Proposal and to set benchmark long distance prisoner telephone service rates of \$0.20 per minute for debit or prepaid calls and \$0.25 per minute for collect calls, with no per-call charge, and to require debit calling at all served facilities, so that family members will be better able to maintain their relationships with their incarcerated relatives.

Respectfully submitted,

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¹¹ Personal account from Diane received at LSPC on September 28, 2006.